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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JORENDA G. PROCTOR,

11 Plaintiff,

12 v.

13 BANK OF AMERICA, et al.,

14 Defendants.

CASE NO. C23-1956JLR

ORDER

15 Before the court is *pro se* Plaintiff Jorenda G. Proctor's amended complaint
16 against Bank of America and Kevin Smith (collectively, "Defendants") concerning
17 Defendants' alleged wrongful foreclosure on Ms. Proctor's home. (Am. Compl. (Dkt.
18 # 8).) On January 2, 2024, the court dismissed Ms. Proctor's original complaint for lack
19 of subject matter jurisdiction and on the alternative ground that Ms. Proctor failed to state
20 a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). (1/2/24 Order (Dkt. # 6) at 3-6.) In that
21 order, the court concluded that subject matter jurisdiction was lacking because Ms.
22 Proctor raised no federal claims and the parties were not diverse, as they were all

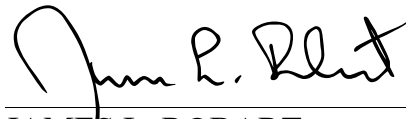
1 residents of Washington. (*Id.* at 3-4.) The court granted Ms. Proctor leave to file an
2 amended complaint that cured the deficiencies identified in its January 3, 2024 order.
3 (*Id.* at 9.) The court warned Ms. Proctor that if she “fail[ed] to timely comply . . . or
4 fail[ed] to file an amended complaint that remedie[d] the deficiencies discussed in” the
5 court’s order, the court would “dismiss this case with prejudice.” (*Id.*) Ms. Proctor was
6 required to file her amended complaint, if any, by no later than January 23, 2024. (*Id.*)

7 Although Ms. Proctor did not file her amended complaint until January 24, 2024,
8 she acknowledges her untimeliness and asks the court to give her “another chance.”
9 (Letter (Dkt. # 9) at 2.) Even if the court were to consider Ms. Proctor’s untimely
10 amended complaint, however, the court remains unsatisfied with respect to subject matter
11 jurisdiction. In her amended complaint, Ms. Proctor still does not raise any federal
12 claims that would confer subject matter jurisdiction pursuant to 28 U.S.C. § 1331. (*See*
13 *generally* Am. Compl.) A single reference to unspecified discrimination is insufficient to
14 raise a discrimination claim under federal law. (*See id.* at 5 (claiming Ms. Proctor was
15 “discriminated against”).) Nor is there complete diversity of citizenship within the
16 meaning of 28 U.S.C. § 1332, as Ms. Proctor names the same Defendants and again
17 alleges that she and Defendants all reside in Washington. (*Id.* at 1-2.) The court
18 therefore lacks subject matter jurisdiction, and this action must be dismissed. *See* Fed. R.
19 Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter
20 jurisdiction, the court must dismiss the action.”).

21 When a court dismisses a *pro se* plaintiff’s complaint, it must give the plaintiff
22 leave to amend “[u]nless it is absolutely clear that no amendment can cure the defect” in

1 the complaint. *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Here, Ms.
2 Proctor has already had an opportunity to remedy the deficiencies identified in the court's
3 January 2, 2024 order, but she has failed to do so. Therefore, the court concludes that
4 further amendment would be futile and DISMISSES Ms. Proctor's amended complaint
5 with prejudice and without further leave to amend. Ms. Proctor is advised that this order
6 does not preclude her from pursuing her claims in state court.

7 Dated this 26th day of January, 2024.

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9 JAMES L. ROBART
10 United States District Judge
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